

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DORINDA JO CONROY,

Petitioner,

ORDER

v.

08-cv-614-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Respondent.

Plaintiff Dorinda Jo Conroy has filed a civil suit pursuant to 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying her application for social security disability benefits. Plaintiff seeks to commence this lawsuit without prepayment of the filing fees and costs or providing security therefor, pursuant to 28 U.S.C. § 1915.

To determine whether a plaintiff qualifies for indigent status, the court subtracts from plaintiff's annual gross income, \$3400 for each dependent, excluding the plaintiff. If the balance is less than \$15,000, the plaintiff may proceed without any prepayment of fees and costs; if the balance is greater than \$15,000 but less than \$28,000, the plaintiff must prepay half the fees and costs; and if the balance is greater than \$28,000, the plaintiff must prepay all fees and costs. Substantial assets or debts require individual consideration.

Plaintiff is married and has one dependent. Plaintiff receives \$924 per month in Worker's Compensation benefits, or \$11,088 annually. Her husband earns \$1000 month, or \$12,000 annually. Subtracting from their total income (\$23,088), \$3,400 for the couple's dependent, leaves a balance of \$19,688. Applying the formula above, plaintiff falls into the intermediate category where she must prepay half the fees and costs. Plaintiff and her husband

do not have any unusually large debts or obligations. Accordingly, if she wishes to proceed with this action, plaintiff will have to pay half the filing fee, or \$175.

I will find plaintiff indigent for the purpose of serving her complaint. If plaintiff pays the filing fee, then the clerk shall forward the summons and complaint to the marshal for service in accordance with Fed. R. Civ. P. 4.

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed *in forma pauperis* in this action is DENIED because she does not qualify for indigent status. However, plaintiff's income qualifies her for a reduction of the filing fee. Plaintiff is entitled to proceed upon payment of \$175. Further, plaintiff shall be considered indigent for the purposes of service.

Plaintiff may have until December 5, 2008, in which to pay the \$175 fee for filing her lawsuit. If by that date plaintiff fails to pay the fee, the clerk of court is directed to enter judgment dismissing this case without prejudice for plaintiff's failure to prosecute it. If plaintiff does pay the filing fee, then the clerk is directed to forward the summons and complaint to the marshal for service.

Entered this 7th day of November, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge